

Evelyn Konrad
200 East 84th Street
New York, New York 10028
212-585-1240
Ek616367@cs.com

12 February 2013

Honorable E. Thomas Boyle
United States District Court, Eastern District of New York
100 Federal Plaza
P.O.Box 9014
Central Islip, New York 11722

Re: *Konrad v. Epley et al.*
12-cv-04021 (JFB)(ETB)

Dear Judge Boyle:

The affidavit of service enclosed by Mr. Arntsen with his letter motion for sanctions against the Plaintiff is, at the very least, misleading. With Document 12, Judge Bianco granted Plaintiff's September 11, 2012 motion requesting permission to file electronically. The docket for this case reveals that (1) Plaintiff is properly reached electronically; and (2) Plaintiff has two addresses, Southampton and New York City, both with telephones.

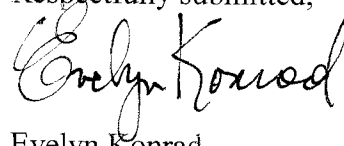
How did Elizabeth O'Rourke, a process server, "serve the annexed" documents on Evelyn Konrad at 18 South Rosko Drive on 8 February, when Town Taxi picked Plaintiff up at 9:25 am on Friday, 8 February, and took her to the Omni to the 10:15 am jitney to New York, in anticipation of the snow blizzard which threatened to cause power outages, delaying work.

Since defendants chose not to efile those documents, could they not, at least, have afforded duplicate mailings, to Plaintiff's New York City address as well as to South Rosko Drive, to make sure that Plaintiff was timely served? Or could Mr. Arntsen have invested in a couple of telephone calls (both Southampton and New York City numbers generally appear below Plaintiff's signature), to make sure that Plaintiff was served on the date designated by this Court?

In the meantime, Plaintiff still does not have those purported documents contained in defendants' motion to dismiss, and Plaintiff will have to travel to Southampton tomorrow late afternoon in order to get those copies. At the very least, an imposition and an inconvenience. But Plaintiff does not rush into motions for sanctions. One letter motion with the vituperative tonality of Mr. Arntsen's letter of 12 February is quite enough for this day.

Plaintiff may find, upon reading the documents sworn to have been served on 8 February, that she will need an additional week for the time lost to answer the Arntsen defendants' motion.

Respectfully submitted,



Evelyn Konrad

FIRST CLASS MAILING:

William Brown
27 Old Stamford Road
New Canaan, CT 06840

ect

Kayser & Redfern LLP
515 Madison Avenue, 30th floor
New York, New York 10022

Scarola, Malone & Zubatov, LLP
1700 Braodway, 41st Floor
New York, New York 10019

David H. Arntsen
Devitt Spellman Barrett, LLP
50 Route 111
Smithtown, New York 11787